

On June 9, 2009, the Commission issued a notice in the **Federal Register** (74 FR 27290) requesting comments on its agenda, priorities, and strategic plan, with written comments due on June 26, 2009. The Commission stated that, if the analysis of any issues raised in the comments would benefit from a public hearing, it would hold a hearing. The Commission received several written comments. In addition, some commenters requested an oral hearing. Accordingly, the Commission will conduct a public hearing on August 25, 2009, to hear oral comments from these requesters or other interested parties concerning its current strategic plan, and agenda and priorities for fiscal year 2011.

Persons who desire to make oral presentations at the hearing on August 25, 2009, should send an e-mail, call, or write Todd A. Stevenson, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814, e-mail [cpsec@cpsec.gov](mailto:cpsec@cpsec.gov), telephone (301) 504-7923, facsimile (301) 504-0127 not later than 5 p.m. EST on August 18, 2009. Presentations should be limited to approximately ten minutes.

Persons desiring to make presentations must submit the text of their presentations to the Office of the Secretary not later than 5 p.m. EST on August 18, 2009. The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations. The hearing will begin at 10 a.m. on August 25, 2009, and will conclude the same day.

Dated: August 4, 2009.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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**BILLING CODE 6355-01-P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Amended Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Regional Watershed Supply Project, Second Notice of Extension of Scoping Period

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice; extension of comment period.

**SUMMARY:** The public scoping comment period for the Intent to Prepare an Environmental Impact Statement for the

Regional Watershed Supply Project by Million Conservation Resource Group, published in the **Federal Register** on Friday, March 20, 2009 (74 FR 11920), required comments be submitted May 19, 2009 following publication in the **Federal Register**. The comment period was later extended to July 27, 2009, to accommodate requests from entities that desired more time and from areas that desired additional public meetings. The comment period has now been extended to September 28, 2009. Due to number of cooperating agency requests received, the Corps is extending the comment period to allow for additional time to respond to these requests. During this time period, the Corps will communicate with certain entities regarding the possibility of consolidating participation through designation of a single point of contact to represent multiple entities.

**FOR FURTHER INFORMATION CONTACT:** Questions and comments regarding the proposed action and EIS should be addressed to Ms. Rena Brand, Project Manager, U.S. Army Corps of Engineers, Denver Regulatory Office, 9307 S. Wadsworth Blvd., Littleton, CO 80128-6901; (303) 979-4120; [mrcg.eis@usace.army.mil](mailto:mrcg.eis@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** None.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Plaquemines Parish, LA, Federal Hurricane Protection Levee

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers, Vicksburg District, in cooperation with the New Orleans District and the Louisiana Coastal Protection and Restoration Authority (the non-Federal sponsor), are undertaking studies to develop and evaluate possible alternatives to improve the storm damage reduction capability of the Federal levee system, Plaquemines Parish, LA.

**DATES:** Initiate Supplemental Environmental Impact Statement (SEIS) August 17, 2009.

**ADDRESSES:** Correspondence may be sent to Mr. Larry Marcy at the U.S. Army Corps of Engineers, Vicksburg

District, CEMVK-PP-PQ, 4155 Clay Street, Vicksburg, MS 39183-3435.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Marcy at the U.S. Army Corps of Engineers, Vicksburg District, telephone (601) 631-5965, fax number (601) 631-5115, or e-mail at [larry.e.marcy@usace.army.mil](mailto:larry.e.marcy@usace.army.mil).

#### **SUPPLEMENTARY INFORMATION:**

**Proposed Action.** It is the intent of the Vicksburg District to prepare an SEIS for the New Orleans to Venice (NOV) Federal Hurricane Protection levee. The NOV Federal Hurricane Protection project straddles the Mississippi River in Plaquemines Parish, Louisiana, between approximate River Miles 59 and 10. On the west bank, it includes 37 miles of back levee divided into four reaches (Reaches A, B-1, B-2, and St. Jude to City Price) and 34 miles of enlarged west bank Mississippi River levees. On the east bank, the project includes 16 miles of enlarged back levees (Reach C). This project is a Federal system designed to provide protection from hurricane tidal overflow in the lower Mississippi River delta region.

The purpose of the SEIS is to identify and evaluate structural and nonstructural storm damage reduction alternatives to address hurricane-related flooding problems in Plaquemines Parish. Additional work is needed to restore the Federal levees and floodwalls to the authorized level of protection where the levee and floodwalls are below grade due to subsidence and/or post-Katrina design changes.

**Alternatives.** Alternatives to address flooding problems will be identified and evaluated in cooperation with state and Federal agencies, local government, and the public.

**Scoping.** Scoping is the process for determining the range of the alternatives and significant issues to be addressed in the SEIS. A part of this analysis will include a letter sent to all parties believed to have an interest in the analysis, requesting their input on alternatives and issues to be evaluated. The letter will also notify interested parties of public scoping meetings that are being held in the local area. A meeting notice will be sent to the local news media. All interested parties are invited to comment at this time, and anyone interested in the study should request to be included on the mailing list.

Two public scoping meetings will be held on Saturday, September 12, 2009: one meeting will be held at the Woodland Plantation, 21997 Highway 23, West Point a La Hache, Louisiana,

from 9 to 11:30 a.m. (open house from 9 until 9:30 a.m., scoping meeting to begin promptly at 9:30 a.m.); the second meeting will be held at Boothville Elementary School, #1 Oiler Drive, Boothville, Louisiana, from 3 to 5:30 p.m. (open house from 3 until 3:30 p.m., scoping meeting to begin promptly at 3:30).

*Significant Issues.* The tentative list of resources and issues to be evaluated in the SEIS includes aquatic resources, essential fish habitat, fisheries and wildlife resources, wetlands, water quality, air quality, threatened or endangered species, recreation resources, and cultural resources. Socioeconomic items to be evaluated in the SEIS include residential housing and business activity, tax revenues, population, community and regional growth, transportation, and community cohesion.

*Environmental Consultation and Review.* The U.S. Fish and Wildlife Service (FWS) will be asked to assist in the documentation of existing conditions, impact analysis of alternatives, and overall study review through the Fish and Wildlife Coordination Act (FWCA) consultation procedures. The FWS would provide an FWCA report to be incorporated into the SEIS. The FWS and National Marine Fisheries Service will be asked to be cooperating agencies. The draft SEIS or a Notice of Availability will be distributed to all interested agencies, organizations, individuals, congressionals, and Indian tribes.

*Estimated Date of Availability.* The draft SEIS is expected to be available in November 2010.

**Daniel A. Johnson,**

*Acting Chief, Planning, Programs, and Project Management Division.*

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## DEPARTMENT OF EDUCATION

### Arbitration Panel Decision Under the Randolph-Sheppard Act

**AGENCY:** Department of Education.

**ACTION:** Notice of arbitration panel decision under the Randolph-Sheppard Act.

**SUMMARY:** The Department of Education (Department) gives notice that on March 1, 2009, an arbitration panel rendered a decision in the matter of *Bernard R. Werwie, Sr. v. Pennsylvania Office of Vocational Rehabilitation, Case No. R-S/07-9*. This panel was convened by the Department under 20 U.S.C. 107d-1(a),

after the Department received a complaint filed by the petitioner, Bernard R. Werwie, Sr.

**FOR FURTHER INFORMATION CONTACT:** You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5022, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

Individuals with disabilities may obtain this document in an accessible format (e.g., braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d-2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

### Background

Mr. Bernard R. Werwie, Sr., (Complainant) alleged violations by the Pennsylvania Office of Vocational Rehabilitation, the State licensing agency (SLA) of the Randolph-Sheppard Act (Act) and the implementing regulations in 34 CFR part 395. Specifically, Complainant alleged that the SLA improperly administered the Randolph-Sheppard Vending Facility Program in violation of the Act, implementing regulations under the Act, and State rules and regulations, when the SLA denied Complainant's bid to manage Facility #804 at the U.S. Post Office in Pittsburgh, Pennsylvania.

On or about June 2006, Facility #804 became available due to the death of the previous vending facility manager. At that time, the SLA placed the facility out for bid on a regional satellite basis rather than on a Statewide or permanent basis. According to section 2430.91 of the SLA's rules and regulations governing the Randolph-Sheppard vending program, a satellite facility is one operated by a vendor at the same time the vendor is operating another assigned facility. The SLA is authorized to establish a satellite facility only on a temporary basis when the SLA can demonstrate that it does not have a qualified blind vendor to place on a permanent basis.

The SLA alleged that, because there was a crisis situation at Facility #804, its

decision to place the facility out for bid on a regional satellite basis rather than on a Statewide or permanent basis was within its discretion under its State rules and regulations. Further, the SLA contended that its decision was sanctioned by the Elected Committee of Blind Vendors (ECBV), which pursuant to the Act and 34 CFR part 395, is an elected body fully representative of all blind vendors in a State.

A State fair hearing on this matter was held on March 19, 2007. On April 18, 2007, the hearing officer issued a decision denying Complainant's grievance. It was this decision that Complainant sought review of by a Federal arbitration panel.

According to the arbitration panel, the issues to be resolved were: (i) Whether the Pennsylvania Office of Vocational Rehabilitation's decision to bid Facility #804 on a regional basis violated the Randolph-Sheppard Act, the implementing regulations, and State program rules and regulations; and (ii) if there was a violation, what is the remedy.

### Arbitration Panel Decision

After hearing testimony and reviewing all of the evidence, the panel majority ruled that the Pennsylvania Office of Vocational Rehabilitation's decision was a reasonable, good faith attempt to remedy a bad situation, and was done in the best interest of all licensed blind vendors in the State of Pennsylvania. The panel denied Complainant's request to be placed without delay to Facility #804. Additionally, the panel denied his request for monetary relief.

One panel member dissented. Specifically, this panel member believed that the SLA unlawfully designated Facility #804 as a satellite facility and that the Complainant should have been compensated for loss of revenue had he been the successful bidder as well as for attorney's fees incurred in his seeking Federal arbitration.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department.

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